

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/24/2022

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MICHAEL MCKENZIE, individually and doing business as AMERICAN IMAGE ART, an unincorporated d/b/a, <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> ARTISTS RIGHTS SOCIETY, INC., and JANET HICKS, <p style="text-align: center;">Defendants.</p>	CIVIL NO. 1:22-cv-01619-MKV
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**STIPULATION WITHDRAWING PLAINTIFF'S MOTION FOR DEFAULT IN
EXCHANGE FOR DEFENDANTS' ACCEPTANCE OF SERVICE OF THE SUMMONS
AND COMPLAINT AND EXTENSION OF TIME TO RESPOND AND
JOINT REQUEST THAT THE COURT SO ORDER THIS STIPULATION**

WHEREAS Plaintiffs contend that they served the summons and complaint in this action upon Defendants on May 24, 2022, and, not having received an answer or response to said complaint, filed a motion for entry of default on June 26, 2022 (Docket No 12), and

WHEREAS Defendants contend that they were not properly served with the summons and complaint and opposed entry of default on that basis (Docket Nos. 14, 15) and

WHEREAS Plaintiff and Defendants have agreed, subject to the approval of this Court, to resolve Plaintiff's motion for a default and Defendants' opposition thereto by this Stipulation,

IT IS HEREBY STIPULATED AND AGREED BY THE PARTIES AS FOLLOWS:

ONE: Plaintiff, through counsel of record below, hereby withdraws his motion for entry of default, and

TWO: Defendants, through counsel of record below, agree to accept service of the summons and complaint in this action as of the date hereof, and to answer, move to dismiss, or otherwise respond to said complaint by November 23, 2022; and

THREE: Plaintiff and Defendants ask that this Court So Order this Stipulation.

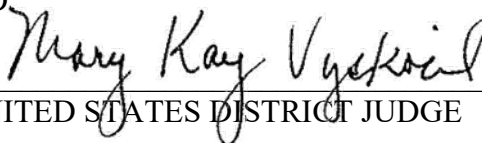
This Stipulation is accepted and agreed to on behalf of Plaintiff on October 24, 2022, by:

/s/ John J. E. Markham, II
John J. E. Markham, II (JM4744)
MARKHAM READ ZERNER LLC
One Commercial Wharf West
Boston, Massachusetts 02110
Tel: (617) 523-6329
Fax: (617) 742-8604
jmarkham@markhamreadzerner.com

This Stipulation is accepted and agreed to on behalf of Defendants on October 24, 2022, by:

/s/ Scott Jonathan Sholder
Scott Jonathan Sholder
Cowan, Debaets, Abrams & Sheppard LLP
41 Madison Avenue, 38th Floor
New York, New York 10010
(212) 974-7474
Fax: (212) 974-8474
Email: ssholder@cdas.com

THIS STIPULATION IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

Dated this 24 day of October, 2022.